

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

FILED

2005 JUN 21 P 4: 12

In re: Policy Governing the Use of
Cellular Telephones and Equivalent
Communication Devices (Including
PDA's) by Attorneys in Federal
Court Facilities

Administrative Order

No. 05-AO-014

ADMINISTRATIVE ORDER

At their regular meeting on June 6, 2005, the Judges of the United States District Court for the Eastern District of Michigan approved a policy governing the use of cellular telephones and equivalent communication devices (including PDA's) by attorneys in federal court facilities. The policy was approved for a period not to exceed six months, effective July 1, 2005.

This administrative order, which is entered pursuant to Administrative Order 05-AO-013, shall govern the policy.

NOW THEREFORE IT IS ORDERED THAT except as provided in this administrative order and other court orders, cellular telephones and equivalent communication devices (including PDA's), hereinafter "phones", are not permitted in federal court facilities.

NOW THEREFORE IT IS FURTHER ORDERED THAT:

(1) An attorney appearing in connection with any judicial proceeding or presenting evidence of bar membership may bring a phone into a federal court facility. The United States Marshal, his deputies, and court security officers may demand from any individual in possession of a phone identification in aid of enforcement of this order, and if the identification does not satisfy the officer that the person in possession of a phone is authorized in accordance with the terms of this order to bring the phone or use it in a court space, the officer may refuse admittance to any person in possession of a phone. The following conditions shall apply:

(a) the phone may not be used and must be turned off except in designated areas of the court facility; and

(b) the phone cannot be initiated, "answered," examined or otherwise manipulated while in a courtroom; and

(c) the phone may be used for communication only in posted designated areas; and

(d) any camera-like function or audio recording capability of a phone is subject to the provisions of LR 83.31(c), (i.e, strictly prohibited except with the specific permission of the court).

(2) A district judge may institute another policy in his or her courtroom, including requiring that attorneys store their cellular telephones in chambers during court proceedings. A district judge located in a court facility at a duty station away from the Theodore Levin Courthouse in Detroit, Michigan may make appropriate orders regulating the possession and use of phones in the buildings in which he or she presides.

(3) Co-located Court Facilities. Court facilities in the Eastern District of Michigan that are co-located with other government agencies shall be governed by this order concerning the possession and use of phones in all court spaces, and the rules prescribed herein shall take precedence over other rules applicable elsewhere in the building.

(4) Violations.

(a) Attorney discipline. An attorney violating this order may be subject to discipline, including debarment, in accordance with Local Rule 83.22.

(b) Confiscation. A violation of this order, including without limitation unauthorized possession of a phone, use of a phone in an unauthorized space, possession of a phone in an audible mode, and failing to turn off a phone when required, *SHALL* result in immediate confiscation of the phone. Any judicial officer may order confiscation of a phone. Any United States Marshal or Deputy Marshal or court security officer may also confiscate a phone.

(c) Contempt of court. A violation of this order may be punished as criminal contempt of court. A violation that disrupts a judicial proceeding may be punished by summary proceedings.

(5) Relief from confiscation of a phone. An attorney whose phone has been confiscated may apply in writing within twenty-eight (28) days after confiscation for return of the phone. The application shall be made to the judicial officer whose proceedings were disturbed by the violation, or, if there is no such judicial officer, to the chief judge. The judicial officer may grant or refuse the request. If the judicial officer determines that no violation of this order occurred, he or she shall order the phone returned. If a violation has occurred and the request for return is granted, the judicial officer shall assess an

Administrative Order in re:
Policy Governing the Use of
Cellular Telephones and Equivalent
Communication Devices (Including
PDA's) in Federal Court Facilities

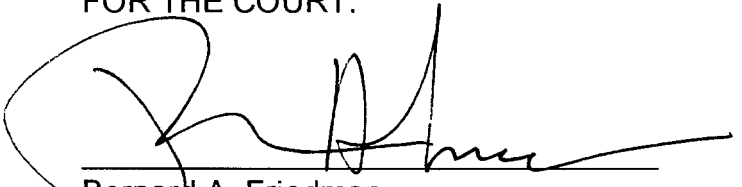
Page 3

appropriate monetary payment as a condition of returning the phone. Confiscated phones that are not returned, either because no request has been made within the time provided or the request for return has been denied, shall be disposed of in a manner directed by the chief judge.

(6) Any attorney bringing in a phone shall be determined to have consented to the provisions of this order.

IT IS ORDERED.

FOR THE COURT:



Bernard A. Friedman
Chief Judge